



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Mr. Jeff Pratt
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009-1610

WATER QUALITY CERTIFICATION FOR PROPOSED ARROYO LAS POSAS SEMINARY ROAD BRIGE REMOVAL PROJECT (Corps' Project No. 2006-01069-HW), ARROYO LAS POSAS TRIBUTARY TO CALLEGUAS CREEK, CITY OF CAMARILLO, VENTURA COUNTY (File No. 06-069)

Dear Mr. Pratt:

Regional Board staff has reviewed your request on behalf of the Ventura County Watershed Protection District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 30, 2006.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 305-2250.

[Original signed by]
Jonathan S. Bishop
Executive Officer

October 17, 2006
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 06-069

1. Applicant: Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009-1610

Phone: (805) 477-7139 Fax: (805) 654-3350
2. Applicant's Agent: Theresa Stevens
3. Project Name: Arroyo Las Posas Seminary Road Bridge Removal
4. Project Location: Camarillo, Ventura County

Longitude: 119° 00' 29"; Latitude: 34° 14' 32"
Longitude: 119° 00' 28"; Latitude: 34° 14' 39"
Longitude: 119° 00' 22"; Latitude: 34° 14' 44"
Longitude: 119° 00' 18"; Latitude: 34° 14' 45"
Longitude: 119° 00' 17"; Latitude: 34° 14' 41"
Longitude: 119° 00' 21"; Latitude: 34° 14' 38"
Longitude: 119° 00' 22"; Latitude: 34° 14' 34"
Longitude: 119° 00' 25"; Latitude: 34° 14' 31"
5. Type of Project: Bridge removal/flood control protection
6. Project Purpose: The proposed project will increase flood control and provide erosion protection along Arroyo Las Posas (ALP), a tributary of Calleguas Creek. Recent revisions to the FEMA floodplain maps for this area show that under existing conditions, approximately 1,445 acres of the City of Camarillo would be flooded during a 100-year flood event, thus the removal of these constrictions is necessary to alleviate flooding in portions of the City. The project will also prevent potential erosion on the outer curve of the ALP.

Several constrictions will be removed including: the Seminary Road Bridge, bridge approach fills, and an existing concrete stabilizer. The project also includes construction of rock slope protection on the north/west bank of the ALP. The rock slope protection is required due to velocities associated with 100-year

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flows.

The project would also restore previously filled streambed habitat, and native riparian habitat on the banks of the ALP in the project area. Invasive exotic vegetation (i.e., giant reed) would also be removed during construction and for the duration of the mitigation monitoring period.

Although the rock slope protection and the modification to Groves Place drain will result in unavoidable permanent impacts to waters of the U.S. and State, removal of the abandoned Seminary Road Bridge, approach fills, and a concrete stabilizer (upstream from the bridge) will allow widening of the creek and substantial increases in jurisdictional waters of the U.S. and State.

7. Project Description:

The project is located on the Arroyo Las Posas (ALP) upstream from the Upland Road Bridge in the City of Camarillo. The project is approximately 1,400 feet in length and begins approximately 200 feet downstream of the Seminary Road Bridge and ends approximately 200 feet upstream of the concrete stabilizer.

The project involves several components, from upstream to downstream including:

- Removal of an existing concrete grade stabilizer located upstream of the abandoned Seminary Road Bridge.
- Removal of the abandoned Seminary Road Bridge and grading of the upland approaches to restore these lands to creek habitat.
- Removal of a steel sheet pile stabilizer located downstream of the Seminary Road Bridge.
- Installation of a box culvert or rail car bridge over Groves Place drain.
- Installation of approximately 2200 cubic yards of concrete rock riprap and 7000 cubic yards of ungrouted rock riprap to stabilize the north bank of the Arroyo Las Posas and the Groves Place drain.

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- Excavation of a low-flow channel in the project reaches. The material combined with earthen material that will be excavated from the bridge approaches will generate approximately 42,000 cubic yards of fill. The fill material will be used on the north/west bank slope and the adjacent farm land.
- Restoration elements include: removal of giant cane (*Arundo donax*) from the creek invert and adjacent floodplain terraces in the project reach; removal of eucalyptus of willow scrub habitat; revegetation of two areas on the outer curve (adjacent to the District's access road) and one area on the inner curve to riparian willow woodland; conversion of 1.4 acres of upland to streambed habitat.

The project will restore streambed habitat, and native riparian habitat on the banks of the Arroyo Las Posas within the project area. Invasive exotic vegetation would also be removed during construction and for the duration of the mitigation monitoring period.

An approved Mitigation and Monitoring Plan (August 2006) has been developed in order to improve habitat values in the ALP by removing non-native plants and restoring native cover. The goal of the mitigation project involves removal of giant reed and other invasive non-native plants from the work area followed by installation of native ground cover, shrubs and trees. This Plan describes the methods that will be used to complete the mitigation and the approach to achieving success.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 13 (Permit No. 2006-01069-HW)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement No. 1600-2006-0133-R5

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10. California Environmental Quality Act Compliance: The City Council of the City of Los Angeles approved the project's Subsequent Final Environmental Impact Report (EIR No, 91-0675, SCH No. 92041046) on September 24, 1992.
11. Receiving Water: Arroyo Las Posas, tributary to Calleguas Creek (Hydrologic Unit No. 403.12)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, WILD, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: *Impacts:*
Non-wetland waters (streambed): 0.85 permanent and 5.49 temporary acres (1,400 linear feet)
- Net gain:*
Although the proposed project will contribute toward jurisdictional impacts, there will be a net gain in jurisdictional areas. The additional revegetation areas will provide 2.49 acres of upland conversion to streambed habitat and 5.49 acres of enhancement area. The total mitigation area will cover 7.98 acres.
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The project has been in the planning and preliminary engineering process for approximately 10 years. Due to the extent of recent urban/residential development in the project area and the recent floodplain map revisions from FEMA, (which indicate that the developed areas are located within the 100-year floodplain), the urgency of the project has been increased. The project is one of several that are being planned for the Calleguas Creek Watershed; most have been previously evaluated in the 1992 Final EIR for the Arroyo Las Posas Sediment Control Project. The overall goal of the project and the future work being planned for the Calleguas Creek Watershed is to improve sediment transport to the shoreline. At this

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time, the schedule of additional projects on Calleguas Creek is uncertain. An addendum of the final EIR has been prepared and will be forwarded under separate cover. An addendum was prepared because the project would have fewer impacts than proposed in the 1992 EIR.

16. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Vegetation removal/clearing grubbing and sediment removal will take place during the dry season and/or following bird surveys in accordance with standard California Department of Fish and Game requirements. If nesting birds are present, vegetation removal will be postponed or the work will be redirected until the birds have left the nest or juveniles have fledged.
- Standard construction BMPs for the use of concrete will be implemented during installation of the rock bank stabilization structure.
- Sediment and concrete removed from the project area will be stockpiled off-site and hauled to an approved disposal site. A portion of the sediment may be used on-site during construction of the bank stabilization structure.
- Native vegetation will be avoided to the maximum extent feasible.
- Work in flowing or ponded water, and in saturated soils will be avoided, to the extent feasible.
- Giant cane will be removed from the work area and disposed of in an appropriate manner and in an approved location.

17. Proposed Compensatory Mitigation:

The Applicant has proposed to provide compensatory mitigation to offset project impacts by providing creation and enhancement of streambed habitat on-site. The proposed mitigation plan focuses on improving existing functions and values by removing fill and non-native trees to create unvegetated streambed, restoring transitional

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coastal sage scrub habitats on higher cut slopes, and enhancing willow riparian scrub by removing giant reed to allow natural recruitment of native species. Weed control will also be conducted in the temporarily impacted unvegetated streambed to improve the quality and function of adjacent restored habitats. Willow riparian habitat and coastal sage scrub is considered to have higher functions and values for native wildlife relative to alluvial scrub due to the diversity and abundance of resident and migratory songbirds that utilize these habitats in the region. Unvegetated streambed provides higher hydrologic functions and values relative to artificial fill and ornamentals, as well as increasing the potential for native riparian vegetation establishment and thus improvement of biological functions.

18. Required
Compensatory
Mitigation:

The Regional Board will require 2.49 acres of upland conversion to streambed habitat and an additional 5.49 acres of streambed habitat enhancement. Therefore, a total of 7.98 acres of total mitigation will be required.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities involving clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
18. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore the proposed **5.49 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **5.49 acres** waters of the United States by creating or restoring riparian

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habitat at a minimum **1:1** area replacement ratio (**5.49 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.85 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **2.93:1** area replacement ratio (**2.49 acres**). The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
23. The approved Mitigation Plan dated August 2006 (provided by the Applicant) shall be followed, unless additional approval for changes has been requested.
24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

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25. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
26. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official or other duly authorized employee.
27. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **06-069**. Submittals shall be sent to the attention of the 401 Certification Unit.

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29. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
30. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
31. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
32. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
33. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

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- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
34. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.